

PHILLIP A. TALBERT
Acting United States Attorney
CHRISTOPHER S. HALES
MIRIAM R. HINMAN
Assistant United States Attorneys
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW M. PIERCEY,

Defendant.

CASE NO. 2:20-CR-0211-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: March 10, 2022
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 10, 2022.
2. By this stipulation, defendant now moves to continue the status conference until May 26, 2022, and to exclude time between March 10, 2022, and May 26, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has produced over 260,000 pages of bates-stamped discovery, including investigative reports, bank and financial records, phone records, emails, and related documents in electronic form. The government has also made additional discovery available for inspection and copying and has provided copies of eleven electronic devices to defense counsel containing approximately 3 terabytes of data. In addition, the government executed a post-

1 indictment search warrant on a storage locker and has made the materials seized in that warrant
2 available to the defense for inspection and copying, including numerous electronic devices
3 totaling over 10 terabytes of data.

4 b) Counsel for defendant desires additional time to consult with his client, review the
5 current charges, conduct investigation and research related to the charges, to and continue to
6 review the over 260,000 pages of discovery and terabytes of data made available by the
7 government, to review and copy discovery for this matter, to discuss potential resolutions with
8 his client, and to otherwise prepare for trial. Specifically, among other things, defendant
9 continues to review the extensive discovery in this case with the assistance of a paralegal.

10 c) Counsel for defendant believes that failure to grant the above-requested
11 continuance would deny him/her the reasonable time necessary for effective preparation, taking
12 into account the exercise of due diligence.

13 d) The government does not object to the continuance.

14 e) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of March 10, 2022 to May 26, 2022,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
20 because it results from a continuance granted by the Court at defendant's request on the basis of
21 the Court's finding that the ends of justice served by taking such action outweigh the best interest
22 of the public and the defendant in a speedy trial.

23 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
24 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
25 must commence.

26 IT IS SO STIPULATED.
27
28

1 Dated: March 8, 2022

PHILLIP A. TALBERT
Acting United States Attorney

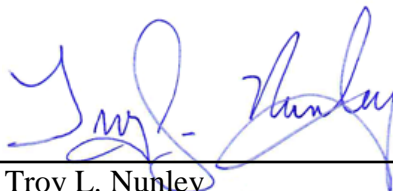
2
3 /s/ CHRISTOPHER S. HALES
CHRISTOPHER S. HALES
Assistant United States Attorney

4
5 Dated: March 8, 2022

6 /s/ DAVID FISCHER
DAVID FISCHER
Counsel for Defendant
MATTHEW M. PIERCEY

7
8
9
10 **FINDINGS AND ORDER**

11 IT IS SO FOUND AND ORDERED this 8th day of March, 2022.

12
13
14
15 
16 Troy L. Nunley
United States District Judge